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# KOBE STEEL, LTD

Intellectual Property Department

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February 1, 2002 (Japan Time)

Attn.: Mr. Marvin J. Spivak  
 Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
 Attorneys at Law  
 U.S.A.

RE: U.S. PCT Application Serial No. 10-018,859  
 Your Ref.: 217649US-23-23-2-X PCT  
 Our Ref.: FP-C009-001

Dear Mr. Spivak:

Thank you for your letters of January 2 and 30, 2002, requesting the English translation on the above-identified application.

We would like you to take the necessary steps in due course on the basis of each English translation on the following 1) and 2) in another page.

- 1) The International Preliminary Examination Report:  
 We have not yet received the English translation of the International Preliminary Examination Report by the International Bureau, as indicated by your letter. First of all, we have prepared English translation of an explanation regarding relationship between this application and cited references, a part of the above report as attached hereto. Please let us know unless it is satisfactory for your need.
- 2) The abstract of JP 59-28805:  
 As JP 59-28805 has not been published in English in a corresponding application filed in another countries according to our computer search, we have prepared an English abstract at our end as described in another page.

By the way, for what purpose do you need the English translation of The International Preliminary Examination Report? The International Bureau will send the translation to the USPTO in the near future.

Please feel free to contact us if you have any further inquiries.

*Bere*  
**RECEIVED**

FFB 01 2002

OBLON, SPIVAK, MCCLELLAND  
 MAIER & NEUSTADT, P.C.

Very truly yours,

*Hiroki Saruta*

Hiroki Saruta  
 Manager  
 Machinery Intellectual Property  
 Intellectual Property Dept.

RECEIVED IN FOREIGN FILING

DATE: 2-1-02

TIME:

HS/ht

Encl.: A copy of a part of the above Examination report

# KOBE STEEL, LTD

## 1) The International Preliminary Examination Report:

Reference 1: JP 11-8945 A, (Kabushiki Kaisha Suzuki Shoji),  
12 January, 1999

Reference 2: JP 59-28805 A, (Mitsubishi Heavy Ind., Ltd.),  
15 February, 1984

Reference 3: JP 9-49248 A, (Yutani Heavy Ind., Ltd.), 18  
February, 1997

### Claims 1 and 3:

The invention of each claim 1 and 3 lacks in inventiveness over Reference 1 cited in the International Search Report in view of Reference 2 newly cited. It is obvious for ordinary person skilled in the art to replace driving a hydraulic pump by a battery in the invention as described in Reference 1 with operating an electric motor by a battery as described in Reference 2.

### Claim 2:

The invention of claim 2 lacks in inventiveness over References 1 and 3 cited in the International Search Report in view of Reference 2 newly cited. Please refer to the above with regard to common elements to claims 1-3.

### Claims 4-10:

None of cited references in the International Search Report disclose both a generator output control body for varying power output from a power generator in accordance with content of work in the invention of each claim 4-6 and 10 and a work speed regulation body for regulating work speed in accordance with content of work when power of the power generator is a predetermined value or less in the invention of each claim 7-10.

## 2) The abstract of JP 59-28805:

This is a Japanese Patent Application Laid-open publication, which was published on Feb. 15, 1984. The claim 1 thereof discloses an industrial vehicle comprising; an engine driven approximately at such engine revolutions as allowing optimal mileage by controlled by a governor; an AC generator driven by said engine; an electrical transformer and a rectifier inserted in an output circuit of said AC generator; a DC motor for travelling and a DC motor for a working machine driven by an output of said rectifier; and a battery charged by the output of said rectifier and driving said DC motor for travelling and said DC motor for the working machine, wherein said battery is charged by the output of said AC generator when power consumption of both DC motors is relatively small and an output of said battery is provided with both DC motors when the power consumption of both DC motors exceeds the output of said AC generator.

End.

## V. 新規性、進歩性又は産業上の利用可能性についての法第12条(PCT35条(2))に定める見解、それを裏付ける文献及び説明

## 1. 見解

新規性(N)

請求の範囲  
請求の範囲

1-10

有  
無

進歩性(IS)

請求の範囲  
請求の範囲4-10  
1-3有  
無

産業上の利用可能性(IA)

請求の範囲  
請求の範囲

1-10

有  
無

## 2. 文献及び説明(PCT規則70.7)

文献1: JP 11-8945 A, (株式会社鈴機商事), 12. 1月. 1999  
9 (12. 01. 99)

文献2: JP 59-28805 A, (三菱重工業株式会社), 15. 2月. 1984 (15. 02. 84)

文献3: JP 9-49248 A, (油谷重工株式会社), 18. 2月. 1997 (18. 02. 97)

## 請求の範囲1、3

請求の範囲1、3に係る発明は、国際調査報告書に引用された文献1及び新たに引用した文献2から進歩性を有しない。

文献1に記載された発明におけるバッテリーにより油圧ポンプを駆動させる点に代えて、文献2に記載されたバッテリーにより電動機を作動させる点を適用させることは当業者が容易になし得ることである。

## 請求の範囲2

請求の範囲2に係る発明は、国際調査報告書に引用された文献1、3及び新たに引用した文献2から進歩性を有しない。また、請求の範囲1との共通事項については上記を参照されたい。

## 請求の範囲4-10

請求の範囲4-6、10に係る発明における作業内容に応じて発電機から出力される電力を変更する発電機出力制御部及び請求の範囲7-10に係る発明における発電機の電力が所定値以下のときに作業内容に応じて作業速度を制限する作業速度制限部を有する技術に関しては、国際調査報告で列記した何れの文献にも開示されていない。